

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

TODD A. KING, SR.,	:	Case No. 3:19-cv-360
	:	
Plaintiff,	:	District Judge Walter H. Rice
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
SGT. RYAN HALBURNT, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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**ORDER**

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Plaintiff is an inmate at the Montgomery County Jail in Dayton, Ohio. He is proceeding in this case *in forma pauperis* under 28 U.S.C. § 1915. Plaintiff's *pro se* Complaint is presently before the Court for initial review. See 28 U.S.C. §§ 1915(e)(2), 1915A. "[T]hese statutes require the court to dismiss any portion of the complaint that (1) fails to state a claim upon which relief can be granted, or (2) is frivolous. A complaint can be frivolous either factually or legally. Any complaint that is legally frivolous would *ipso facto* fail to state a claim upon which relief can be granted." *Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010) (citing *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S.Ct. 1827 (1989)). Having conducted an initial review of Plaintiff's Complaint, the Court finds that dismissal under 28 U.S.C. §§ 1915(e)(2) or §1915A(a)-(b) is not warranted at this stage of the litigation.

The United States Marshal is ORDERED to serve Defendants with process.

November 18, 2019

*s/Sharon L. Ovington*

Sharon L. Ovington  
United States Magistrate Judge